

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

07-CA-286430

Date Filed

11-17-2021

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wayne Metropolitan Community Action Agency		b. Tel. No. (313) 388-9799
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 7310 Woodward Ave. MI Detroit 48202	e. Employer Representative	
	g. e-Mail	
	h. Number of workers employed 200	
i. Type of Establishment (factory, mine, wholesaler, etc.) Public Administration	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

Joseph X Michaels

Title: Attorney

(Print/type name and title or office, if any)

Tel. No.

(734) 519-0875

Office, if any, Cell No.**Fax No.****e-Mail**

jmichaels@ctmlawyers.com

455 E. Eisenhower Pkwy, Suite 75

Address Ann Arbor MI 48108

11/17/2021 01:55:27 PM

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7) 2021
(b) (6), (b) (7)(C)	(b) (6), (b) (7) /2021



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

Agency Website: www.nlr.gov
Telephone: (313)226-3200
Fax: (313)226-2090



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November 18, 2021

Wayne Metropolitan Community Action Agency
7310 Woodward Avenue
Detroit, MI 48202

Re: Wayne Metropolitan Community
Action Agency
Case 07-CA-286430

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Dynn Nick whose telephone number is (313)335-8037. If this Board agent is not available, you may contact Supervisory Examiner Jason E. Knepp whose telephone number is (313)335-8028.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

November 18, 2021

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink that reads "Elizabeth Kerwin" with a large, sweeping flourish at the end.

Elizabeth Kerwin
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Dynn Nick

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME Wayne Metropolitan Community Action Agency	CASE NUMBER 07-CA-286430
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 07-CA-286430

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 18, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Wayne Metropolitan Community Action
Agency
7310 Woodward Avenue
Detroit, MI 48202

(b) (6), (b) (7)(C)

Joseph Xavier Michaels, Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway
Suite 75
Ann Arbor, MI 48108

November 18, 2021

Carol A. Koper, Designated Agent of
NLRB

Date

Name

/s/ Carol A. Koper

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7

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November 18, 2021

(b) (6), (b) (7)(C)

Re: Wayne Metropolitan Community
Action Agency
Case 07-CA-286430

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on November 17, 2021 has been docketed as case number 07-CA-286430. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Dynn Nick whose telephone number is (313)335-8037. If this Board agent is not available, you may contact Supervisory Examiner Jason E. Knepp whose telephone number is (313)335-8028.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in dark ink that reads "Elizabeth Kerwin". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Elizabeth Kerwin
Regional Director

cc: Joseph Xavier Michaels, Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway
Suite 75
Ann Arbor, MI 48108

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual	and
------------	-----

CASE 07-CA-286430

Wayne Metropolitan Community Action
Agency

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Wayne Metropolitan Community Action Agency

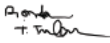
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Ronda Tate Truvillion	
MAILING ADDRESS: 535 Griswold, Suite 2300	
Detroit MI	
E-MAIL ADDRESS: rtate@lewismunday.com	
OFFICE TELEPHONE NUMBER:	3139612550
CELL PHONE NUMBER:	FAX: 3139611270
SIGNATURE: 	
DATE: Tuesday, January 18, 2022 5:05 PM Eastern Standard Time	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY. A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 07-CA-286430-Amended	Date Filed 3-11-2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Wayne Metropolitan Community Action Agency	b. Tel. No. (313) 388-9799
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 7310 Woodward Ave. Detroit, MI 48202	e. Employer Representative
	g. e-mail
	h. Number of workers employed 200
i. Type of Establishment (factory, mine, wholesaler, etc.) Public Administration	j. Identify principal product or service
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or around (b) (6), (b) (7)(C) 2021, the Employer discharged (b) (6), (b) (7)(C) because (b) (6) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) Joseph X Michaels, Attorney (signature of representative or person making charge) (Print/type name and title or office, if any)	
Tel. No. (734) 519-0875	
Office, if any, Cell No.	
Fax No.	
e-mail jmichaels@ctmlawyers.com	
Address 455 E. Eisenhower Pkwy., Suite 75, Ann Arbor MI 48108 Date Mar 4, 2022	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

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Telephone: (313)226-3200
Fax: (313)226-2090



Download
NLRB
Mobile App

March 11, 2022

(b) (6), (b) (7)(C)

Re: Wayne Metropolitan
Community Action Agency
Case 07-CA-286430

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney Dynn Nick whose telephone number is (313)335-8037. If the agent is not available, you may contact Supervisory Examiner Jason E. Knepp whose telephone number is (313)335-8028.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth Kerwin". The signature is written in a cursive style with a large, sweeping loop at the end.

Elizabeth Kerwin
Regional Director

cc: Joseph Xavier Michaels, Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway
Suite 75
Ann Arbor, MI 48108



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7

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Fax: (313)226-2090



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March 11, 2022

Wayne Metropolitan
Community Action Agency
7310 Woodward Avenue
Detroit, MI 48202

Re: Wayne Metropolitan
Community Action Agency
Case 07-CA-286430

Dear Sir or Madam:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney Dynn Nick whose telephone number is (313)335-8037. If the agent is not available, you may contact Supervisory Examiner Jason E. Knepp whose telephone number is (313)335-8028.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

March 11, 2022

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth Kerwin". The signature is written in a cursive style with a large, sweeping loop at the end.

Elizabeth Kerwin
Regional Director

Enclosure: Copy of first amended charge

cc: Ronda Tate Truvillion, Esq.
Lewis & Munday P.C.
535 Griswold St Ste 2300
Detroit, MI 48226

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 07-CA-286430

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 11, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Wayne Metropolitan Community Action
Agency
7310 Woodward Avenue
Detroit, MI 48202

Ronda Tate Truvillion, Esq.
Lewis & Munday P.C.
535 Griswold St Ste 2300
Detroit, MI 48226

(b) (6), (b) (7)(C)

Joseph Xavier Michaels, Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway, Suite 75
Ann Arbor, MI 48108

March 11, 2022

Carol A. Koper, Designated Agent of
NLRB

Date

Name
/s/ Carol A. Koper

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
2nd Amended

DO NOT WRITE IN THIS SPACE	
Case 07-CA-286430	Date Filed June 30, 2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Wayne Metropolitan Community Action Agency		b. Tel. No. (313) 388-9799
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 7310 Woodward Ave. Detroit, MI 48202	e. Employer Representative	g. e-mail
		h. Number of workers employed 200
i. Type of Establishment (factory, mine, wholesaler, etc.) Public Administration	j. Identify principal product or service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or around (b) (6), (b) (7)(C) 2021, the Employer discharged (b) (6), (b) (7)(C) because (b) (6) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

The Employer has implemented and maintained overly broad rules in its Employee Handbook, including its Workplace Discrimination and Harassment Policy, Conflict of Interest Policy, Confidentiality Policy, Personal Appearance and Dress Code, Solicitation and Distribution Policy, Workplace Safety Policy, Employee Conduct Policy and Electronic Communications Policy.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.

/s/Joseph X. Michaels

Joseph X Michaels, Attorney

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Address 455 E. Eisenhower Pkwy., Suite 75, Ann Arbor MI 48108 Date 6/24/2-22

Tel. No.
(734) 519-0875

Office, if any, Cell No.

Fax No.

e-mail
jmichaels@ctmlawyers.com**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

Agency Website: www.nlr.gov
Telephone: (313)226-3200
Fax: (313)226-2090



Download
NLRB
Mobile App

June 30, 2022

Wayne Metropolitan Community Action Agency
7310 Woodward Avenue
Detroit, MI 48202

Re: Wayne Metropolitan Community Action
Agency
Case 07-CA-286430

Dear Sir or Madam:

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney DYNN NICK whose telephone number is (313)335-8037. If the agent is not available, you may contact Supervisory Examiner JASON E. KNEPP whose telephone number is (313)335-8028.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth Kerwin". The signature is written in a cursive, flowing style with a large loop at the end.

ELIZABETH KERWIN
Regional Director

Enclosure: Copy of second amended charge

cc: Ronda Tate Truvillion, Esq.
Lewis & Munday P.C.
535 Griswold St Ste 2300
Detroit, MI 48226

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 07-CA-286430

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 30, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Ronda Tate Truvillion, ESQ.
Lewis & Munday P.C.
535 Griswold St Ste 2300
Detroit, MI 48226

Wayne Metropolitan Community Action
Agency
7310 Woodward Avenue
Detroit, MI 48202

June 30, 2022

Date

Ann O'Neal-Jones, Designated Agent of
NLRB

Name
/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

Agency Website: www.nlr.gov
Telephone: (313)226-3200
Fax: (313)226-2090



Download
NLRB
Mobile App

June 30, 2022

(b) (6), (b) (7)(C)

Re: Wayne Metropolitan Community Action
Agency
Case 07-CA-286430

Dear (b) (6), (b) (7)(C)

We have docketed the second amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney DYNN NICK whose telephone number is (313)335-8037. If the agent is not available, you may contact Supervisory Examiner JASON E. KNEPP whose telephone number is (313)335-8028.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in dark ink that reads "Elizabeth Kerwin". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

ELIZABETH KERWIN
Regional Director

cc: Joseph Xavier Michaels, Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway
Suite 75
Ann Arbor, MI 48108

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 07-CA-286430

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)

Wayne Metropolitan Community Action
Agency
7310 Woodward Avenue
Detroit, MI 48202

Ronda Tate Truvillion, Esq.
Lewis & Munday P.C.
535 Griswold St Ste 2300
Detroit, MI 48226

(b) (6), (b) (7)(C)

Joseph Xavier Michaels , Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway
Suite 75
Ann Arbor, MI 48108

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN**

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Respondent

and

Case 07-CA-286430

(b) (6), (b) (7)(C), an Individual

Charging Party

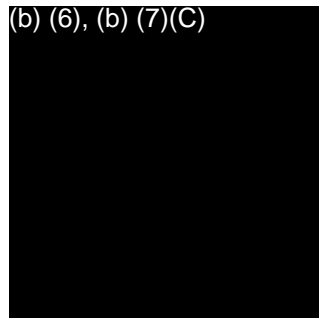
COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the Charging Party. It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent has violated the Act as described below.


1. (a) The charge in this proceeding was filed by the Charging Party on November 17, 2021, and a copy was served on Respondent by U.S. mail on November 18, 2021.
(b) The first amended charge in this proceeding was filed by the Charging Party on March 11, 2022, and a copy was served on Respondent by U.S. mail on that same date.
(c) The second amended charge in this proceeding was filed by the Charging Party on June 30, 2022, and a copy was served on Respondent by U.S. Mail on that same date.
2. At all material times, Respondent has been a corporation with an office and place of business in Detroit, Michigan (Detroit facility), providing housing, financial counseling, utility assistance and other services to low-and-moderate-income residents in the area.
3. (a) In conducting its operations during the calendar year ending December 31, 2021, Respondent derived gross revenues in excess of \$500,000.
(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Detroit facility goods valued in excess of \$5,000 directly from points outside the State of Michigan.
4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering the names and positions of individuals.

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering the names and positions of individuals.

6. Since about May 18, 2021, Respondent via its Employee Handbook, has maintained the following overly broad work rules:

- (a) **3.3 Workplace Discrimination and Harassment Policy**, which provides, in relevant part, that “Hostile work environment is conduct sufficiently severe, persistent, or pervasive that unreasonably interferes with, or limits an individual’s ability to participate in, or benefit from, employment activities. Whether a hostile environment has been created will be evaluated from both a subjective and an objective perspective.
- (b) **3.5 Conflict of Interest**, which states, “Employees of the Agency are prohibited from using their position to obtain financial gain for themselves, their families, (as defined in Section 2) or any business in which they have a financial interest. This includes:
 - a) Contracts which are to be paid in whole or in part out of Agency funds, unless the contract has been awarded through public notice, competitive bidding or any other process provided for by law;
 - b) Lease or sale of real property to the Agency;
 - c) Use of the Agency's time, resources, facilities, supplies, computer software and hardware, and equipment, prestige or influence for private gain or advantage;
 - d) Acceptance of money or anything of value from a business or individual for the performance of the employee's official duties (see Section 3.8).

Employees are expected to report conflicts of interest to CEO or designee immediately upon discovery or suspicion of the conflict.

- (c) **3.11 Confidentiality**, which provides, in relevant part, “All Wayne Metro employees are expected to abide by the confidentiality policy to protect the privacy of our customers and employees. Employees must understand the rights of customers’ privacy and their role in maintaining that privacy. Employees must not disclose confidential information regarding any customer or employee without the written consent of that person. Failure to adhere

to this policy will result in disciplinary action up to and including termination.”

- (d) **3.12 Personal Appearance and Dress Code**, which provides, in relevant part, “Employees are expected to be well-groomed and wear clean clothing, free of holes, tears, or other signs of wear. Clothing with offensive or inappropriate designs or stamps are not allowed. Employees should consult with their supervisors, if they have questions about what constitutes appropriate attire.”
- (e) **3.14 Solicitation and Distribution**, which provides, in relevant part, “ Employees may not distribute literature or printed material of any kind, sell merchandise, solicit financial contributions or solicit for any other cause during working time unless it is associated with Wayne Metro. Employees who are not on working time (e.g. meal breaks) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. This policy also discourages solicitations via Wayne Metro’s email and other telephonic communications systems. Furthermore, employees may not distribute non work related literature or printed material of any kind in working areas at any time. Nonemployees are likewise prohibited from distributing materials or soliciting employees on Wayne Metro premises at any time.”
- (f) **3.15 Workplace Safety**, which provides, “Wayne Metro is committed to providing employees and customers an environment that is safe, secure, and free from threats, intimidation, and violence. The agency recognizes that violence can manifest itself at any of the sites in many ways. To promote an environment that supports the mission of Wayne Metro, policies and response procedures have been developed to address workplace violence. The scope of these policies and procedures includes all employees, clients, and visitors to the agency and applies to any and all acts of violence, intimidation, and inappropriate aggression. The Agency expects its employees to conduct themselves in a safe manner, using good judgment in all matters of safety when performing the duties of their job.

The agency will not tolerate any acts of violence, intimidation, threatening behavior, stalking, or harassment. We reserve the right to accelerate the termination process where the nature and gravity of the violation warrant immediate termination. The safety and security of Wayne Metro employees and customers are very important. Threats, threatening behavior, acts of violence, or any related conduct will not be tolerated. Employees are responsible for notifying their supervisor and CEO or designee of any threats which they have witnessed, received, or perceived. If observing any actual or potential violence or suspicious situations, employees should not place themselves in danger by trying to intercede, or by trying to see what is happening. Each employee who

receives a protective or restraining order is required to provide their supervisor and the Human Resources Department with a copy of such order. This information will be contained in the Human Resources file.”

- (g) **3.17 Employee Conduct**, which prohibits, in relevant part,
- False claims of any information, including salary and/or reimbursements for job expenses;
 - Disclosure of confidential information regarding the agency or a client or employee without proper authorization;
 - Inciting violence, intimidation, threatening behavior, stalking, harassment, or any behavior that does not reflect the Agency Guiding Values.
- (h) **13.4 Electronic Communications**, which provides, “In an effort to safeguard corporate information assets, it is the expectation that each employee will use all work issued electronic devices for business related reasons. This includes internet, email, fax, cell phones, copiers, and all other electronic storage or transmitting devices. Outgoing or incoming electronic information of an offensive or otherwise inappropriate nature is prohibited. Examples of unacceptable content may include, but are not limited to: Pornographic materials, sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonably offend someone on the basis of race, weight, age, sex, height, religious beliefs, national origin, disability or any other characteristic protected by law. Violations of this may result in disciplinary action, up to and including termination of employment.

Duplication of licensed software, except for permitted backup or archival purposes, may be a violation of the Federal Copyright Act and is prohibited. License software downloads are to be approved by the Chief Financial Officer and CEO or designee or designee. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked or patented materials on the Internet is prohibited.

All contents of email and voice messages on Wayne Metro's systems remain the property of Wayne Metro. Information stored on Wayne Metro's provided systems should not be considered personal or private. Electronic mail (“e-mail”) and voicemail (“v-mail”) are recognized forms of communication and a critical component of WMCAA communication systems. The e-mail and v-mail systems are provided by WMCAA to assist in the conduct of business within the organization. As with other forms of business communication at WMCAA, e-mail and v-mail should always be professional in content and format.

Internet access from Wayne Metro account is permitted only through a unique user ID and password that is not to be shared or transferred to

others. Employees are responsible to maintain the security of their account and take precautions to prevent unauthorized access. Computer passwords and security codes are unique to the individual and should not be shared, transferred, or disclosed. Employees will be held responsible for any activity that occurs. Use of Wayne Metro account, email, voicemail, or other facilities for non-business related matters, including, but not limited to, offensive graphics or humor, chain letters, "surfing" or any other non-business activity or activity which could result in harm or damage to the public image of Wayne Metro or its employees is prohibited. Employees are responsible for ensuring that fraudulent, harassing, or obscene or similarly inappropriate information listed above is reported to his or her manager immediately.

Use of camcorders or cameras to take pictures or videos without authorization is prohibited in the workplace. The personal tape recording of any conversation in the workplace is also prohibited. An exception to the rule concerning pictures and recordings of work areas would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety and/or working condition concerns or of strike, protest, and work-related issues and/or other protected concerted activities.

Unacceptable Usage

WMCAA strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, WMCAA strictly prohibits the use of PC's, the e-mail and v-mail systems in ways that are disruptive, offensive, or harassing of others or harmful to morale. This includes, but is not limited to, the prohibition or the display or transmission of sexually explicit messages, images or cartoons. Other prohibited uses include, but are not limited to, either slurs, racial comments, off color jokes, or anything that may be construed as harassment. Prohibited use of e-mail or v-mail may result in disciplinary action, up to and including termination. Examples of misuse include the following:

- Transmitting offensive or disruptive messages. Examples include sexually-explicit messages, cartoons, or jokes; unwelcome propositions; ethnic or racial slurs; or any other messages that are prohibited under the organizations Harassment Policy.
- Use of Company e-mail for personal businesses, competing businesses, or chain letters. Distributing Company confidential messages to parties outside the Company. Using the e-mail system to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without authorization. Breaking into the system or unauthorized use of a password/mailbox.
- Solicitation to buy or sell goods or services.

7. Around (b) (6), (b) (7)(C) 2021, Respondent, by (b) (6), (b) (7)(C), at the

Detroit facility, issued an overly broad oral directive that employees were not allowed to discuss any ongoing Respondent investigation with other employees.

8. Around September 2021, the Charging Party and other employees engaged in concerted conduct regarding the wages, hours, and working conditions of Respondent's employees by submitting to Respondent identical Covid-19 exemption requests.

9. About (b) (6), (b) (7)(C) 2021, Respondent discharged the Charging Party.

10. (a) Respondent engaged in the conduct described above in paragraph 9 because the Charging Party engaged in the conduct described above in paragraph 8, and to discourage employees from engaging in these or other concerted activities.

(b) Respondent engaged in the conduct described above in paragraph 9 because the Charging Party violated the overly broad directive and rule described above in paragraphs 6(g) and 7 and to discourage employees from engaging in these or other concerted activities.

11. By the conduct described above in paragraphs 6, 7, 9, and 10, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, it is prayed that Respondent be ordered to:

1. Cease and desist from:

(a) engaging in the conduct described in paragraphs 6, 7, 9, and 10, or in any like or related manner interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action:

(a) Rescind the overly broad rules described above in paragraph 6, and advise employees in writing of such rescission.

(b) Rescind the overly broad oral directive described above in paragraph 7, and advise employees in writing of such rescission.

(c) Rescind any and all directives and disciplines issued to employees as a result of the enforcement of the overly broad rules and directive described in paragraphs 6 and 7, and notify such employees, in writing, that this has been done and that the disciplines will not be used against them in any way and make whole those employees who suffered financial loss due to the discipline imposed relating to the rules or overly broad directive.

(d) Offer the Charging Party immediate reinstatement to (b) (6), (b) (7)(C) former position, or if the position no longer exists, to a substantially equivalent position of employment, without prejudice to (b) (6), (b) (7)(C) seniority or other rights and privileges previously

enjoyed if not for the discrimination against (b) (6), (b) (7)(C)

(e) Make whole the Charging Party for any loss of earnings and benefits (b) (6) suffered as a result of the discrimination against (b) (6), (b) (7)(C) by payment of backpay, plus reasonable search-for-work and interim employment expenses and compensate (b) (6), (b) (7)(C) for the adverse tax consequences, if any, of receiving one or more lump-sum backpay awards covering periods longer than one year, with interest computed in accordance with Board policy. The General Counsel further seeks as part of the remedy as a result of the discrimination against (b) (6), (b) (7)(C) that Respondent be required to submit to the Regional Director the W-2 document reflecting backpay paid to the Charging Party.

(f) In order to fully remedy the unfair labor practices set forth above, the General Counsel seeks an order requiring the Charging Party be made whole, including, but not limited to, payment for consequential economic harm (b) (6), (b) (7)(C) incurred as a result of Respondent's unlawful conduct.

(g) Rescind and expunge from its files and records the Charging Party's (b) (6), (b) (7)(C) 2021, discharge, and notify (b) (6), (b) (7)(C) in writing, that this has been done and that (b) (6), (b) (7)(C) discharge will not be used against (b) (6), (b) (7)(C) in any way.

(h) Pay the Charging Party front pay should (b) (6), (b) (7)(C) waive (b) (6), (b) (7)(C) right to reinstatement to (b) (6), (b) (7)(C) former position.

(i) Physically post and post via the Google Chat application that it customarily utilizes, appropriate notices to all employees. (b) (6), (b) (7)(C)

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before Friday, October 14, 2022, or postmarked on or before October 13, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the

required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **Monday, December 13, 2022, 10:00 a.m. at Patrick V. McNamara Federal Building 477 Michigan Avenue, Room 05-200 Detroit, Michigan**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: September 30, 2022

A handwritten signature in black ink that reads "Elizabeth Kerwin". The signature is written in a cursive style with a large, sweeping "E" and a long, curved line extending from the end of the name.

Elizabeth Kerwin, Regional Director
National Labor Relations Board, Region 07
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

Attachments

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 7**

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Respondent

and

Case 07-CA-286430

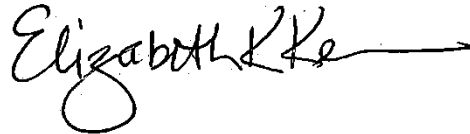
(b) (6), (b) (7)(C) an Individual

Charging Party

ORDER CORRECTING HEARING DATE

IT IS ORDERED that the hearing date set forth in the Complaint and Notice of Hearing issued on September 30, 2022, in the above-entitled matter is corrected as follows: The hearing is scheduled on Tuesday, December 13, 2022, at 10:00 a.m., at Patrick V. McNamara Federal Building, 477 Michigan Avenue, 5th Floor, Room 05-200, Detroit, Michigan, and on consecutive days thereafter until concluded.

Dated: October 28, 2022



Elizabeth Kerwin, Regional Director
National Labor Relations Board, Region 07
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 7**

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Respondent

and

Case 07-CA-286430

(b) (6), (b) (7)(C), an Individual

Charging Party

**AFFIDAVIT OF SERVICE OF: Order Correcting Hearing Date, dated
October 28, 2022.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **October 28, 2022**, I served the above-entitled document(s) by **E-Mail** upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
Wayne Metropolitan Community
Action Agency
7310 Woodward Avenue
Detroit, MI 48202

Email: **(b) (6), (b) (7)(C)**@waynemetrol.org

Ronda Tate Truvillion, Esq.
Lewis & Munday P.C.
535 Griswold St Ste 2300
Detroit, MI 48226

Email: rtate@lewismunday.com

(b) (6), (b) (7)(C)

Email: **(b) (6), (b) (7)(C)**

Joseph Xavier Michaels, Attorney
Croson, Taub & Michaels, PLLC
455 East Eisenhower Parkway
Suite 75
Ann Arbor, MI 48108

Email: jmichaels@ctmlawyers.com

October 28, 2022

Date

Karen Roock, Designated Agent of NLRB

Name

/s/ Karen Roock

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN**

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Respondent

and

Case 07-CA-286430

(b) (6), (b) (7)(C) an Individual

Charging Party

RESPONDENT'S RESPONSE TO COMPLAINT AND NOTICE OF HEARING

Respondent, by counsel, responds to the Charging Party's Complaint as follows:

1. (a) The charge in this proceeding was filed by the Charging Party on November 17, 2021, and a copy was served on Respondent by U.S. mail on November 18, 2021.
- (b) The first amended charge in this proceeding was filed by the Charging Party on March 11, 2022, and a copy was served on Respondent by U.S. mail on that same date.
- (c) The second amended charge in this proceeding was filed by the Charging Party on June 30, 2022, and a copy was served on Respondent by U.S. Mail on that same date.

RESPONSE:

With respect to the allegations made in paragraph 1. (a)-(c) of the Complaint, Respondent relies on the representations made by the Board with respect to the dates on which the original charge, and amended charges were filed, and acknowledges receipt of the same.

2. At all material times, Respondent has been a corporation with an office and place of business in Detroit, Michigan (Detroit facility), providing housing, financial counseling, utility assistance and other services to low-and-moderate-income residents in the area.

RESPONSE:

With respect to the allegations made in paragraph 2 of the Complaint Respondent admits this allegation and further adds that Respondent is a 501(c)(3) tax-exempt, Michigan non-profit corporation.

3. (a) In conducting its operations during the calendar year ending December 31, 2021, Respondent derived gross revenues in excess of \$500,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Detroit facility goods valued in excess of \$5,000 directly from points outside the State of Michigan.

RESPONSE:

With respect to the allegations made in paragraphs 3 (a)-(b) of the Complaint Respondent admits this allegation.

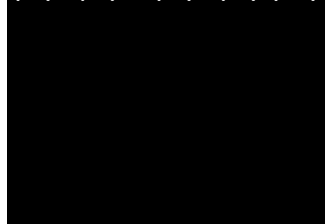
4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

RESPONSE:

With respect to the allegations made in paragraphs 4 of the Complaint Respondent admits this allegation.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering the names and identifying information of the individuals listed in paragraph 5.

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering the names and identifying information of the individuals listed in paragraph 5.

RESPONSE:

With respect to the allegations made in paragraph 5 of the Complaint Respondent admits this allegation.

6. Since about May 18, 2021, Respondent via its Employee Handbook, has maintained the following overly broad work rules:

- (a) **3.3 Workplace Discrimination and Harassment Policy**, which provides, in relevant part, that "Hostile work environment is conduct sufficiently severe, persistent, or pervasive that unreasonably interferes with, or limits an individual's ability to participate in, or benefit from, employment activities. Whether a hostile environment has been created will be evaluated from both a subjective and an objective perspective.

RESPONSE:

With respect to the allegations made in paragraphs 6 (a) of the Complaint Respondent denies that its policy 3.3 is overly broad. The rule is lawful either because when reasonably interpreted, it does not prohibit or interfere with the exercise of rights guaranteed by Section 7 of the NLRA, or because the potential adverse impact on protected rights is outweighed by the business justifications associated with the rule.

Respondent's policy 3.3 advances its legal responsibility to maintain a workplace free of unlawful harassment, preventing workplace violence, avoiding unnecessary conflict or a toxic work environment that would interfere with productivity, in addition to other legitimate business goals. General Motors LLC, 369 NLRB No.127 (2020). In Title VII sexual harassment jurisprudence, U.S. courts use a 2-prong subjective-objective test to determine the viability of a sexual harassment claim: The complainant must show that the employer's conduct was unwelcome and sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment because of the complainant's sex from both the complainant's perspective (subjective prong) and a reasonable person's perspective (objective prong).

Charging Party in this case did not allege that violation of the policy was grounds for termination, or that the policy was overbroad. Respondent further adds that violation of its policy 3.3 was not the grounds of basis for the Charging Party's termination. (b) (6), (b) (7)(C)

- (b) **3.5 Conflict of Interest**, which states, "Employees of the Agency are prohibited from using their position to obtain financial gain for themselves, their families, (as defined in Section 2) or any business in which they have a financial interest. This includes:

- a) Contracts which are to be paid in whole or in part out of Agency funds, unless the contract has been awarded through public notice, competitive bidding or any other process provided for by law;
- b) Lease or sale of real property to the Agency;
- c) Use of the Agency's time, resources, facilities, supplies, computer software and hardware, and equipment, prestige or influence for private gain or advantage;
- d) Acceptance of money or anything of value from a business or individual for the performance of the employee's official duties (see Section 3.8).

Employees are expected to report conflicts of interest to CEO or designee immediately upon discovery or suspicion of the conflict.

RESPONSE:

With respect to the allegations made in paragraphs 6 (b) of the Complaint Respondent denies that its policy 3.5 is overly broad.

Additionally, Respondent's conflict of interest policy complies with NLRB General Counsel Guidance and is lawful because it only prohibits actions that the NLRA does not protect, and it includes some specific examples of business interests and conflicts which thereby otherwise clarifies that the rule is limited to the employer's legitimate business interests. General Motors LLC, 369 NLRB No.127 (2020)

Respondent also adds that the Charging Party did not allege that violation of the policy was cited as grounds for (b) (6), (b) termination, or that the policy was overbroad. Respondent further adds that violation of its policy 3.5 was not the grounds or basis for the Charging Party's termination.

(d) **3.11 Confidentiality**, which provides, in relevant part, "All Wayne Metro employees are expected to abide by the confidentiality policy to protect the privacy of our customers and employees. Employees must understand the rights of customers' privacy and their role in maintaining that privacy. Employees must not disclose confidential information regarding any customer or employee without the written consent of that person. Failure to adhere to this policy will result in disciplinary action up to and including termination."

RESPONSE:

With respect to the allegations made in paragraphs 6(c) of the Complaint Respondent denies that its policy 3.11 is overly broad.

Additionally, Respondent's policy does not prohibit employees from discussing employment terms and conditions, including wages, hours, or workplace complaints and no employee would reasonably understand the policy as prohibiting employees from discussing employment terms and conditions, including wages, hours, or workplace complaints. The policy does not broadly encompass "employee" or "personnel" information, without clarification or limitation. The policy specifically refers to confidential information. Argos USA LLC d/b/a Argos Ready Mix, LLC, 12-CA-196002 and 12-CA- 203177.

Respondent also adds that the Charging Party did not allege that violation of the policy was cited as grounds for (b) (6), (b) termination, or that the policy was overbroad. Respondent further adds that violation of its policy 3.11 was not the grounds of basis for the Charging Party's termination.

3.12 Personal Appearance and Dress Code, which provides, in relevant part, "Employees are expected to be well-groomed and wear clean clothing, free of holes, tears, or other signs of wear. Clothing with offensive or inappropriate designs or stamps are not allowed[MSE1]. Employees should consult with their supervisors, if they have questions about what constitutes appropriate attire."

RESPONSE:

With respect to the allegations made in paragraphs 6(d) of the Complaint Respondent denies that its policy 3.12 is overly broad.

Additionally, Respondent's policy is not a ban on any particular clothing and the policy was not instituted in response to any union activity. No reasonable employee could construe the policy as prohibiting any protected activity. The WM policy is narrowly tailored and as specific as possible to protect Respondent's legitimate business interest. Medco Health Solutions of Las Vegas, Inc. v. NLRB, +2012 U.S. App. Lexis 25548 (D.C. Cir. December 14, 2012)

Respondent also adds that the Charging Party did not allege that violation of the policy was cited as grounds for (b) (6), (b) (7)(C) termination, or that the policy was overbroad. Respondent further adds that violation of its policy 3.12 was not the grounds of basis for the Charging Party's termination.

(e) **3.14 Solicitation and Distribution**, which provides, in relevant part, " Employees may not distribute literature or printed material of any kind, sell merchandise, solicit financial contributions or solicit for any other cause during working time unless it is associated with Wayne Metro. Employees who are not on working time (e.g. meal breaks) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. This policy also discourages solicitations via Wayne Metro's email and other telephonic communications systems. Furthermore, employees may not distribute non work related literature or printed material of any kind in working areas at any time. Nonemployees are likewise prohibited from distributing materials or soliciting employees on Wayne Metro premises at any time."

RESPONSE:

With respect to the allegations made in paragraphs 6(e) of the Complaint Respondent denies that its Policy 3.14 is overly broad.

The NLRB has held that an employer may maintain and enforce non-discriminatory rules limiting solicitation and distribution, although it cannot prohibit an employee from soliciting during non-work time, such as before or after work or during break times; or from distributing during non-work time, in non-work areas, such as parking lots or break rooms. WM's non solicitation policy is limited to "working time" and "in working areas." WM's Solicitation and Distribution does not include any categorical unlimited prohibition of solicitations and as such the policy complies with all NLRB requirements. Wynn Las Vegas, LLC, 369 NLRB No. 91 (2020).

Respondent also adds that the Charging Party did not allege that violation of the policy was cited as grounds for (b) (6), (b) (7)(C) termination, or that the policy was overbroad. Respondent further adds that violation of its policy 3.14 was not the grounds of basis for the Charging Party's termination.

(f) **3.15 Workplace Safety**, which provides, "Wayne Metro is committed to providing employees and customers an environment that is safe, secure, and free from threats, intimidation, and violence. The agency recognizes that violence can manifest itself at any of the sites in many ways. To promote an environment that supports the mission of Wayne Metro, policies and response procedures have been developed to address workplace violence. The scope of these policies and procedures includes all employees, clients, and

visitors to the agency and applies to any and all acts of violence, intimidation, and inappropriate aggression. The Agency expects its employees to conduct themselves in a safe manner, using good judgment in all matters of safety when performing the duties of their job.

The agency will not tolerate any acts of violence, intimidation, threatening behavior, stalking, or harassment. We reserve the right to accelerate the termination process where the nature and gravity of the violation warrant immediate termination. The safety and security of Wayne Metro employees and customers are very important. Threats, threatening behavior, acts of violence, or any related conduct will not be tolerated. Employees are responsible for notifying their supervisor and CEO or designee of any threats which they have witnessed, received, or perceived. If observing any actual or potential violence or suspicious situations, employees should not place themselves in danger by trying to intercede, or by trying to see what is happening. Each employee who receives a protective or restraining order is required to provide their supervisor and the Human Resources Department with a copy of such order. This information will be contained in the Human Resources file."

RESPONSE:

With respect to the allegations made in paragraphs 6(f) of the Complaint Respondent denies that its Policy 3.15 is overly broad.

Respondent's Workplace Safety policy complies with the NLRA. The NLRA does not protect abusive conduct, meaning that employers may discipline employees who engage in harassment or abusive conduct even if that conduct occurs in the context of "protected concerted activity." WM has a legal obligation to take corrective action to prevent harassment and abusive conduct and its policy 3.15 is designed to do just that. General Motors LLC, 369 NLRB No.127 (2020)

Respondent also adds that the Charging Party did not allege that violation of the policy was cited as grounds for (b)(6) termination, or that the policy was overbroad. Respondent further adds that violation of its policy 3.15 was not the grounds of basis for the Charging Party's termination.

(g) **3.17 Employee Conduct**, which prohibits, in relevant part,

- False claims of any information, including salary and/or reimbursements for job expenses;
- Disclosure of confidential information regarding the agency or a client or employee without proper authorization;
- Inciting violence, intimidation, threatening behavior, stalking, harassment, or any behavior that does not reflect the Agency Guiding Values.

RESPONSE:

Respondent denies that its policy 3.17 is overly broad. The prohibitions listed above are lawful in that they comply with NLRB standards regarding false claims or statements, Dresser-Rand Company, 358 NLRB No. 34 (April 19, 2021), confidentiality, Argos USA LLC d/b/a Argos Ready Mix, LLC, 12-CA-196002 and 12-CA- 203177, workplace violence or harassment General Motors LLC, 369 NLRB No.127 (2020).

(h) **13.4 Electronic Communications**, which provides, "In an effort to safeguard corporate information assets, it is the expectation that each employee will use all work issued electronic devices for business related reasons. This includes internet, email, fax, cell phones, copiers, and all other electronic storage or transmitting devices.

Outgoing or incoming electronic information of an offensive or otherwise inappropriate nature is prohibited. Examples of unacceptable content may include, but are not limited to:

Pornographic materials, sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonably offend someone on the basis of race, weight, age, sex, height, religious beliefs, national origin, disability or any other characteristic protected by law.

Violations of this may result in disciplinary action, up to and including termination of employment.

Duplication of licensed software, except for permitted backup or archival purposes, may be a violation of the Federal Copyright Act and is prohibited. License software downloads are to be approved by the Chief Financial Officer and CEO or designee or designee. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked or patented materials on the Internet is prohibited.

All contents of email and voice messages on Wayne Metro's systems remain the property of Wayne Metro. Information stored on Wayne Metro's provided systems should not be considered personal or private. Electronic mail ("e-mail") and voicemail ("v-mail") are recognized forms of communication and a critical component of WMCAA communication systems. The e-mail and v-mail systems are provided by WMCAA to assist in the conduct of business within the organization. As with other forms of business communication at WMCAA, e-mail and v-mail should always be professional in content and format.

Internet access from Wayne Metro account is permitted only through a unique user ID and password that is not to be shared or transferred to others. Employees are responsible to maintain the security of their account and take precautions to prevent unauthorized access. Computer passwords and security codes are unique to the individual and should not be shared, transferred, or disclosed. Employees will be held responsible for any activity that occurs. Use of Wayne Metro account, email, voicemail, or other facilities for non-business-related matters, including, but not limited to, offensive graphics or humor, chain

letters, "surfing" or any other non-business activity or activity which could result in harm or damage to the public image of Wayne Metro or its employees is prohibited. Employees are responsible for ensuring that fraudulent, harassing, or obscene or similarly inappropriate information listed above is reported to his or her manager immediately.

Use of camcorders or cameras to take pictures or videos without authorization is prohibited in the workplace. The personal tape recording of any conversation in the workplace is also prohibited. An exception to the rule concerning pictures and recordings of work areas would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety and/or working condition concerns or of strike, protest, and work-related issues and/or other protected concerted activities.

Unacceptable Usage

WMCAA strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, WMCAA strictly prohibits the use of PC's, the e-mail and v-mail systems in ways that are disruptive, offensive, or harassing of others or harmful to morale. This includes, but is not limited to, the prohibition or the display or transmission of sexually explicit messages, images or cartoons. Other prohibited uses include, but are not limited to, either slurs, racial comments, off color jokes, or anything that may be construed as harassment. Prohibited use of e-mail or v-mail may result in disciplinary action, up to and including termination. Examples of misuse include the following:

- Transmitting offensive or disruptive messages. Examples include sexually-explicit messages, cartoons, or jokes; unwelcome propositions; ethnic or racial slurs; or any other messages that are prohibited under the organizations Harassment Policy.
- Use of Company e-mail for personal businesses, competing businesses, or chain letters. Distributing Company confidential messages to parties outside the Company. Using the e-mail system to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without authorization. Breaking into the system or unauthorized use of a password/mailbox.
- Solicitation to buy or sell goods or services.

RESPONSE:

With respect to the allegations made in paragraphs 6(h) of the Complaint Respondent denies that its Policy 13.4 is overly broad.

According to the NLRB, employees have no statutory right to use an employer's equipment, including work emails and IT resources. Employers may legally restrict the use of their equipment, such as work emails, even for union organizing activities or for other activities

protected under Section 7 of the National Labor Relations Act. Caesars Entertainment Corp. (368 NLRB No. 143)

Respondent also adds that the Charging Party did not allege that violation of the policy was cited as grounds for (b) (6), (b) (7)(C) termination, or that the policy was overbroad. Respondent further adds that violation of its policy 13.4 was not the grounds of basis for the Charging Party's termination.

7. Around (b) (6), (b) (7)(C) 2021, Respondent, by (b) (6), (b) (7)(C) at the (b) (6), (b) (7)(C) facility, issued an overly broad oral directive that employees were not allowed to discuss any ongoing Respondent investigation with other employees.

RESPONSE:

Respondent denies this allegation and further states that (b) (6), (b) (7)(C) directed only three particular employees, who were also subject to a specific ongoing investigation involving themselves, to not discuss that specific ongoing investigation among themselves prior to a meeting with management later the same day. In order to make the investigation process work, Respondent had to conduct a thorough investigation. Asking employees not to discuss the subject matter of the investigation while the investigation was pending was intended to promote the integrity of the process. This was not a categorical prohibition on employee discussion. Rather, investigative confidentiality was necessary because of the ongoing interaction and collaboration between the targets of the investigation which gave Respondent an objectively reasonable grounds for believing that the "integrity of the investigation would be compromised without confidentiality." An employer has a right to require that employees maintain confidentiality in workplace investigations. Apogee Retail LLC d/b/a Unique Thrift Store, 368 NLRB No. 144 (2019)

In addition, the Respondent imposed the confidentiality rule to ensure that evidence was not destroyed, and testimony was not fabricated. According to the NLRB, these factors satisfy the Respondent's burden of demonstrating a legitimate and substantial business justification for its conduct. Jeannette Corp. v. NLRB, 532 F.2d 916 (3d Cir. 1976)

8. Around September 2021, the Charging Party and other employees engaged in concerted conduct regarding the wages, hours, and working conditions of Respondent's employees by submitting to Respondent identical Covid-19 exemption requests.

RESPONSE:

Respondent denies that the Charging Party, nor any of Respondent's other employees, were engaged in concerted conduct regarding wages, hour or working conditions.

Respondent further adds that the Charging Party, in violation of directives to not meet with (b) (6), (b) (7)(C) subordinate employees to discuss, attempt to collude or interfere with an ongoing investigation of (b) (6), (b) (7)(C) and another employee's misconduct, disobeyed the directive and met with one of the employees subject to the investigation.

9. About (b) (6), (b) (7)(C) 2021, Respondent discharged the Charging Party.

RESPONSE:

Respondent admits this allegation and further adds that the Charging Party was discharged for lying to Respondents during an investigation of (b) (6), (b) misconduct and for insubordination.

10. (a) Respondent engaged in the conduct described above in paragraph 9 because the Charging Party engaged in the conduct described above in paragraph 8, and to discourage employees from engaging in these or other concerted activities.

RESPONSE:

Respondent denies that the Charging Party engaged in conduct described in paragraph 8, or to discourage employees from engaging in any concerted activities. Respondent discharged the Charging Party for lying during the investigation and insubordination. The Charging Party lied about the source of the exemption requests and initially lied about disobeying Respondent's directive to not meet with the other employees who were under investigation.

(b) Respondent engaged in the conduct described above in paragraph 9 because the Charging Party violated the overly broad directive and rule described above in paragraphs 6(g) and 7 and to discourage employees from engaging in these or other concerted activities.

RESPONSE:

Respondent denies that it engaged in the conduct described in paragraph 9 because the Charging Party violated any overly broad directives or rules described in paragraphs 6(g) and 7 or to discourage employees from engaging in any concerted activities. Respondent discharged the Charging Party for lying during the investigation and insubordination. The Charging Party lied about the source of the exemption requests and initially lied about disobeying Respondent's directive to not meet with the other employees who were under investigation. Respondent further adds that none of the rules included in its employee manual are overly broad.

11. By the conduct described above in paragraphs 6, 7, 9, and 10, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

RESPONSE:

Respondent denies that the allegations contained in paragraphs 6, 7, 9, and 10, are true and denies that Respondent interfered with, restrained, or coerced any of its employees in the exercise of rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

RESPONSE:

Respondent denies that it participated in any unfair labor practices within the meaning of Section 2(6) and (7) of the Act, as alleged in this Complaint by the Charging Party.

WHEREFORE, Respondent respectfully request that the Charging Party's Complaint in this matter, and all of the allegations contained therein, be dismissed in their entirety and all relief requested by the Charging Party and the Board be denied.

Lewis & Munday, P.C

/s/ David Jonathan Cross

Ronda Tate Truvillion (P70767)

David Jonathan Cross (P42683)

Attorneys for Respondent

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Respondent

and

Case 07-CA-286430

(b) (6), (b) (7)(C) [REDACTED], an Individual

Charging Party

**RESPONDENT'S REQUEST FOR POSTPONEMENT OF THE DECEMBER 13, 2022, FORMAL
HEARING**

Respondent, by counsel, seeks a postponement of the formal hearing scheduled in this matter for December 13, 2022, on the following grounds:

1. According to the Board, the Complaint in this matter was issued on September 30, 2022, and an Answer to the Complaint was required to be filed by Respondent on or before October 14, 2022.
2. The Complaint also included a notice of a formal hearing on the matter scheduled for December 13, 2022.
3. Respondent did not file received the Complaint timely and no Answer to the Complaint was filed on October 14, 2022.
4. It would be determined that Respondent's failure to timely file a response was because the Complaint was not properly issued or served on Respondent on September 30, 2022.
5. Upon discovery of the failure to issue the Complaint on September 30, 2022, to Respondent, the Board formally issued the Complaint to Respondent on October 25, 2022.

6. Respondent sought, and was granted, a proper extension of time to file an Answer and Respondent's Answer was due on November 8, 2022.
7. Respondent's Answer to the Complaint was filed timely on November 8, 2022.
8. Respondent also requested an adjournment of the formal hearing scheduled for December 13, 2022.
9. Respondent's request for the adjournment of the hearing was denied.
10. If Respondent had actually received the Complaint on September 30, 2022, Respondent would have had 74 days in total to prepare for the formal hearing.
11. With the denial of Respondent's request to adjourn the hearing, Respondent was only left with 49 days to prepare for the formal hearing if the matter is not settled.
12. The Charging Party and Respondent have participated in settlement discussions and have agreed upon an economic settlement of this matter.
13. The settlement agreement has been submitted to the NLRB for preliminary review and approval.
14. According to the preliminary review of the NLRB, the settlement agreement requires certain amendments which the Charging Party and Respondent have agreed to discuss and hopefully resolve.
15. In the event that no resolution on the remaining issues is achieved, the parties will be required to conduct the hearing.
16. Given the complexity of the issues involved in this matter with respect to the unresolved issues which involve the proposed rescission of several of Respondent's employment policies that are unrelated to the Charging Party's allegations, and the time necessary to properly prepare for the formal hearing on those issues, Respondent requires, and should be permitted at least the same 74 days from the actual issuance and receipt of the Complaint that it would

have had to prepare for the formal hearing if the Complaint had been issued on September 30, 2022.

17. Respondent has sought concurrence from the Charging Party in this request for adjournment and concurrence has been granted.

18. The foregoing establishes good and sufficient grounds for an adjournment of the December 13, 2022, hearing.

Wherefore, Respondent requests that its request for an adjournment on the December 13, 2022, hearing be granted.

Respectfully submitted,

Lewis & Munday, P.C.

David Jonathan Cross

David Jonathan Cross (P42683)
Ronda Tate Truvillion (P70767)
535 Griswold, Suite 2300
Detroit, MI 48226
313-961-2550

Date: November 18, 2022

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 7**

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

and

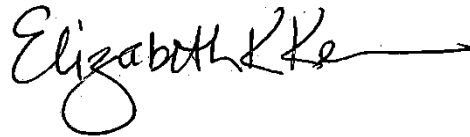
Case 07-CA-286430

(b) (6), (b) (7)(C), an Individual

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from December 13, 2022 at 10:00 AM to 10:00 AM on **March 21, 2023** at, 477 MICHIGAN AVE, 5TH FLOOR, RM 05-200, DETROIT, MI 48226. The hearing will continue on consecutive days until concluded.

Dated: November 30, 2022



Elizabeth Kerwin
Regional Director
National Labor Relations Board
Region 07
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 7**

**WAYNE METROPOLITAN COMMUNITY
ACTION AGENCY**

Respondent

and

Case 07-CA-286430

(b) (6), (b) (7)(C), an Individual

Charging Party

**ORDER CONDITIONALLY APPROVING WITHDRAWAL REQUEST,
DISMISSING COMPLAINT, AND WITHDRAWING NOTICE OF HEARING**

A Complaint and Notice of Hearing issued in the above-captioned matter on September 30, 2022. Thereafter, the Charging Party requested conditional withdrawal of the charge. Having duly considered the request for withdrawal,

IT IS ORDERED that the request to withdraw the charge is approved conditioned upon the performance of the undertakings in the private settlement agreement between the parties, with the proviso that upon application by the Charging Party, supported by evidence that these undertakings have not been complied with, the charge is subject to reinstatement for further proceedings; and

IT IS FURTHER ORDERED that the Complaint is dismissed, and the Notice of Hearing is withdrawn.

Dated: March 21, 2023



Elizabeth Kerwin
Regional Director
National Labor Relations Board
Region 07
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, MI 48226